

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Public Works	(2) MEETING DATE 2/26/2013	(3) CONTACT/PHONE Phil Acosta, Right of Way Agent (805) 781-5290	
(4) SUBJECT Submittal of right of way documents accepting conveyance from Edward Lindquist, et al for the La Panza Road Widening Project, Creston. District 5.			
(5) RECOMMENDED ACTION It is our recommendation that your Honorable Board: 1. Approve and execute the Lindquist Right of Way Agreement and accept the accompanying Public Road and Slope Easement Deed by execution of the attached Certificate of Acceptance, and direct the Clerk to record the Public Road and Slope Easement Deed and return copies of the executed Right of Way Agreement and recorded Deed to the Department of Public Works for completion of the transaction; and 2. Authorize the Public Works Director, or his designee, to execute any remaining escrow and payment related documents or instructions necessary to close the transactions associated with this real property interest.			
(6) FUNDING SOURCE(S) HR3, Prop 1B, Road Fund	(7) CURRENT YEAR FINANCIAL IMPACT \$1,000.00	(8) ANNUAL FINANCIAL IMPACT N/A	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Presentation <input type="checkbox"/> Hearing (Time Est. _____) <input type="checkbox"/> Board Business (Time Est. _____)			
(11) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions <input checked="" type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: N/A <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP Attached	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input checked="" type="checkbox"/> N/A Date _____	
(17) ADMINISTRATIVE OFFICE REVIEW Nikki J. Schmidt			
(18) SUPERVISOR DISTRICT(S) District 5 -			

13FEB05-C-9

County of San Luis Obispo



TO: Board of Supervisors

FROM: Public Works

Phil Acosta, Right of Way Agent

VIA: Dave Flynn, Deputy Director of Public Works

DATE: 2/26/2013

SUBJECT: Submittal of right of way documents accepting conveyance from Edward Lindquist, et al for the La Panza Road Widening Project, Creston. District 5.

RECOMMENDATION

It is our recommendation that your Honorable Board:

1. Approve and execute the Lindquist Right of Way Agreement and accept the accompanying Public Road and Slope Easement Deed by execution of the attached Certificate of Acceptance, and direct the Clerk to record the Public Road and Slope Easement Deed and return copies of the executed Right of Way Agreement and recorded Deed to the Department of Public Works for completion of the transaction; and
2. Authorize the Public Works Director, or his designee, to execute any remaining escrow and payment related documents or instructions necessary to close the transactions associated with this real property interest.

DISCUSSION

La Panza Road is a rural collector located east of Creston between State Routes 41 and 58. The project will improve the road from Ryan Road to Hord Valley Road by constructing four foot (4') paved shoulders and relocating the adjacent drainage ditch. The project's objective is to improve road safety by having a recoverable shoulder and eliminating or reducing roadside obstacles. The current project has been developed from a study of multiple design alternatives and various environmental, budgetary and regulatory parameters to achieve the best solution for the project location.

The attached Right of Way Agreement and Public Road and Slope Easement Deed from Edward Lindquist, et al, have been developed in cooperation with the property owner and project, and will provide the County and its contractors with a portion of the real property rights required to construct the project.

This acquisition is based upon fair market value determined by a staff appraisal. The approval and execution of the Right of Way Agreement and the acceptance of the related Public Road and Slope Easement Deed, by execution of the attached Certificate of Acceptance, will allow the Department to proceed with processing and payment pursuant to the Agreement.

Right of Way Requirements for the Project

The attached agreement covers one (1) of twelve (12) properties along La Panza Road where right of way will need to be obtained from the adjoining property. Over the next few months, similar agreements will be submitted to your Board for consideration. The need to initiate eminent domain proceedings and your Board's consideration of Resolutions of Necessity on some parcels may exist.

As a safety project, the La Panza Road project was awarded a \$900,000 Highway Safety Improvement Program (HSIP) grant from the Federal Highway Administration. Caltrans oversees the delivery of HSIP projects and holds agencies to a strict performance standard for program delivery of needed safety projects pursuant to Federal Highway Administration regulations. Should the project be delayed or deferred from its fiscal year delivery, the County will have a high exposure to becoming ineligible to apply for future Federal HSIP grants. As a result, obtaining the right of way on adjoining properties is critical for both the project's safety purpose and for maintaining the County's future eligibility on other safety projects.

OTHER AGENCY INVOLVEMENT/IMPACT

County Counsel has reviewed and approved the attached documents as to legal form and effect. San Luis Obispo County Environmental Coordinator has provided necessary clearance for this project by Mitigated Negative Declaration approved by your Board on June 5, 2012 (Item 22).

Caltrans is providing oversight due to the Federal funding for the project.

FINANCIAL CONSIDERATIONS

The Right of Way Agreement provides for total compensation in the amount of \$1,000.00. Each of three siblings (and pertinent spouse, if any) represented in the title vesting is entitled to one third of the compensation as follows:

Anne C. Ragsdale	\$ 333.33
Michael Grissom and Margaret Grissom, Trustees	\$ 333.33
Edward L. Lindquist and Mary Margaret Lindquist, Trustees	<u>\$ 333.34</u>
Total	<u>\$1,000.00</u>

This project is a multi-year project budgeted in Roads Fund for FY 2012-13 WBS 300397 in the amount of \$2,031,852. The project will be funded by the Federal Highway Administration's High Safety Improvement Program (HSIP), Proposition 1B and Road Fund.

RESULTS

Approval of the recommended actions will result in the appropriation of property rights required for this budgeted project. Completion of the project will improve safety along La Panza Road by improving recovery room for vehicles and eliminate roadside obstacles.

File: WBS 300397.05 (La Panza Road Widening Project)

Reference: 13FEB26-C-9

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ATTACHMENTS

1. Vicinity Map
2. Right of Way Agreement
3. Public Road and Slope Easement Deed